

SB104 (Rev. 2/92)		ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)	
PLAINTIFFS MICHAEL J MCHUGH		DEFENDANTS STEVE TARBELL			
ATTORNEYS (Firm Name, Address, and Telephone No.) MATTHEW BILLET		ATTORNEYS (If Known)			
PARTY (Check one box only) <input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input type="checkbox"/> 3 U.S. NOT A PARTY					
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) THIS IS A JUDGMENT THAT WAS AWARDED BY GARDNER SMALL CLAIMS COURT. STEVE TARBELL IS TRYING TO HAVE IT DISCHARGED BY A BANKRUPTCY					
NATURE OF SUIT (Check the one most appropriate box only.)					
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"><input type="checkbox"/> 454 To recover money or property</div> <div style="width: 33%;"><input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan</div> <div style="width: 33%;"><input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of the foregoing causes of action</div> <div style="width: 33%;"><input type="checkbox"/> 435 To determine validity, priority, or extent of a lien or other interest in property</div> <div style="width: 33%;"><input checked="" type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. § 523</div> <div style="width: 33%;"><input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court</div> <div style="width: 33%;"><input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property</div> <div style="width: 33%;"><input type="checkbox"/> 434 To obtain an injunction or other equitable relief</div> <div style="width: 33%;"><input type="checkbox"/> 498 Other (specify)</div> <div style="width: 33%;"><input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. § 727</div> <div style="width: 33%;"><input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan</div> </div>					
ORIGIN OF PROCEEDINGS (Check one box only.)		<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court			
DEMAND NEAREST THOUSAND \$ 3,000		OTHER RELIEF SOUGHT		<input type="checkbox"/> JURY DEMAND	
BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES					
NAME OF DEBTOR STEVE TARBELL		BANKRUPTCY CASE NO. 04-46122			
DISTRICT IN WHICH CASE IS PENDING MASSACHUSETTS		DIVISIONAL OFFICE		NAME OF JUDGE HENRY J. BOROFF	
RELATED ADVERSARY PROCEEDING (IF ANY)					
PLAINTIFF		DEFENDANT		ADVERSARY PROCEEDING NO.	
DISTRICT		DIVISIONAL OFFICE		NAME OF JUDGE	
FILING FEE (Check one box only.) <input checked="" type="checkbox"/> FEE ATTACHED <input type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED					
DATE 7 FEB 2005		PRINT NAME MICHAEL MCHUGH		SIGNATURE OF ATTORNEY (OR PLAINTIFF) [Signature]	

FILED
 IN CLERK'S OFFICE
 2005 FEB - 7 A 9:40
 BANKRUPTCY COURT
 WORCESTER, MA.

PROPOSAL

Stephen Tarbell DB Tarbell Masonry
 21 Hob St
 Fitch MA 01420

PROPOSAL NO.
SHEET NO.
DATE 6/9/04

PROPOSAL SUBMITTED TO:

WORK TO BE PERFORMED AT:

NAME Kurt M. McHugh
ADDRESS St
Gardner MA
PHONE NO. 978 632 0460

ADDRESS 63
Gardner MA
DATE OF PLANS 6/10/04
ARCHITECT Stephen Tarbell

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Build Chimney To code. Chimney Block Flues
 in Hood Footing (Thimble (Clay)
 1/4" lead wall ties

4" LWC with the job and cap at chimney 45

4 up Stove home owner supply mat for stove

Seal all MASONRY done by
 Tarbell

ADDITIONAL SUPPLIES NEEDED WILL BE PURCHASED BY OWNER &
 BALANCE WILL BE REDUCED BY THAT AMOUNT. Seal all
 10 years GUARANTEED on chimney

FREE CHIMNEY STUCCO

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of

Dollars (\$ 3500.00)

with payments to be made as follows. \$600 down \$400.00 upon completion

Respectfully submitted

Per Tarbell Masonry

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Note — This proposal may be withdrawn
 by us if not accepted within 2 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date


6/9/04

Scott Tarbell

9879392270

Signature

Signature

JUDGMENT FOR PLAINTIFF(S)		DOCKET NUMBER 200463SC000329	Trial Court of Massachusetts District Court Department Small Claims Session	
CASE NAME MICHAEL MCHUGH vs. STEPHEN TARBELL D/B/A TARBELL MASONRY				
PLAINTIFF(S) WHO ARE PARTIES TO THIS JUDGMENT P01 MICHAEL MCHUGH			CURRENT COURT Gardner District Court 108 Matthews Street Gardner, MA 01440-1304 (978) 632-2373	
DEFENDANT(S) WHO ARE PARTIES TO THIS JUDGMENT D01 STEPHEN TARBELL D/B/A TARBELL MASONRY			PAYMENT REVIEW SCHEDULED for 12/02/2004 01:00 PM.	←←←←← WHEN YOU MUST APPEAR ←←←←←
PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED P01 MICHAEL MCHUGH 63 CATHERINE STREET GARDNER, MA 01440			FURTHER ORDERS OF THE COURT	
ATTORNEY FOR PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED 				
<p>On the above claim, after default, the Court has entered JUDGMENT IN FAVOR OF THE PLAINTIFF(s) listed above.</p> <p>The defendant(s) must pay the plaintiff(s) the "Judgment Total" shown below, plus additional postjudgment interest under General Laws c. 235 § 8 at the "Annual Interest Rate" shown below from the "Date Judgment Entered" shown below until the date of payment. The defendant(s) is required by law to pay the plaintiff(s) that total amount. Unless the defendant(s) failed to appear, the defendant(s) has a right of appeal within 10 days after receiving notice of this judgment. See the enclosed instructions for additional information.</p> <p>The Court also issued a PAYMENT ORDER ordering the defendant(s) to pay the total amount by 10/28/2004.</p> <p>The Court also scheduled this matter for a next event on the date shown above, at which both parties must appear unless excused. The defendant(s) is subject to arrest for failing to appear. See the enclosed instructions.</p>				
1. Date of Breach, Demand or Complaint			8/6/04	
2. Date Judgment Entered			9/28/04	
3. Number of Days of Prejudgment Interest (Line 2 - Line 1)			53	
4. Annual Interest Rate of 12.00%/ 365 = Daily Interest Rate			0.032877%	
5. Single Damages			\$2,000.00	
6. Prejudgment Interest (lines 3x4x5)			\$34.85	
7. Double or Treble Damages Awarded by Court (where authorized by law)			\$0.00	
8. Costs	Filing Fee & Surcharge (G.L. c. 218 § 23 & c. 262 § 4C)		\$40.00	
9.	Attorney Fees Awarded by Court (where authorized by law)		\$0.00	
10.	Other Costs Awarded by Court		\$0.00	
11. JUDGMENT TOTAL PAYABLE TO PLAINTIFF(S) (lines 5+6+7+8+9+10)			\$2,074.85	
DATE JUDGMENT ENTERED 9/28/04		CLERK-MAGISTRATE/ASST. CLERK X <u>William T. Clark</u>		